IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

THURSDAY, THE 6TH DECEMBER 2007 / 15TH AGRAHAYANA 1929

LA.App..No. 529 of 2002() and Cross Objection

LAR.27/1995 of II ADDL.SUB COURT,TRIVANDRUM
.....

APPELLANT: RESPONDENT

STATE OF KERALA

BY GOVERNMENT PLEADER, SMT.LATHA K
ADDL.ADVOCATE GENERAL

RESPONDENTS: CLAIMANTS
---

1. T.L.NALINAKUMARY,CHANIYIL PUTHEN VEEDU,
VAIKOM.

2. T.L.PADMAKUMARI,TAYIL CHANGAMPUZHA NAGAR
ERNAKULAM.

3. T.L.VASANTHAKUMARI,PADMAVIHAR,
AYYAPPA NAGAR,ERNAKULAM.

4. T.J.LAKSHMIKUTTY AMMA, AGED 65 YEARS,
W/O.LATE P.N.SUKUMARAN NAIR,LAKSHMITHOP VEEDU
(SREEKRISHNA BHAVAN), MUPPATHADAM,KADUNGATHUR
VILLAGE, PARAVOOR TALUK,ERNAKULAM DISTRICT.

5. S.SREEKUMAR OF DO. DO.

6. S.KRISHNA KUMAR OF DO. DO.

7. MANOJ S.NAIR OF DO. DO.

8. S.MAHESHKUMAR OF DO. DO.

BY ADV. SRI.T.M.CHANDRAN
SRI.T.M.CHANDRAN
SRI.V.AJAKUMAR

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 06/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P.NO.6202/2002 IN CROSS OBJECTION IN L.A.A.No.529/2002

ALLOWED.

SD/- KURIAN JOSEPH, JUDGE
SD/- HARUN-UL-RASHID, JUDGE

06/12/2007

ORDER ON C.M.P.NO.4082/2004 IN L.A.A.No.529/2002

CLOSED.

SD/- KURIAN JOSEPH, JUDGE
SD/- HARUN-UL-RASHID, JUDGE

06/12/2007

\\TRUE COPY//

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

~ ~

Land Acquisition Appeal No. 529 of 2002-B
and Cross Objection

~ ~

Dated this the 6th day of December, 2007

J U D G M E N T

Kurian Joseph, J.

This is an appeal filed against the judgment and decree in L.A.R No.27/1995 on the file of the Sub Court, Thiruvananthapuram. The acquisition is for the purpose of expansion of Museum and Zoo. It is seen that the relied on judgment has become final in view of the judgment in L.A.A.No.935/1997. Therefore, the appeal filed by the State is only to be dismissed.

The claimant has a grievance that he has not been granted the statutory benefit of interest on solatium. Being a settled position [See the decision reported in **Sunder v. Union of India (2001 (3) KLT 489 (SC)]**, we hold that the claimant is entitled to interest on solatium also. Subject to the above modification in the judgment and decree, this appeal is dismissed.

(KURIAN JOSEPH, JUDGE)

(HARUN-UL-RASHID, JUDGE

ms